

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT T. TRAN,

Defendant.

4:15-CR-3037

ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([filing 155](#)) that the government's motion to dismiss ([filing 125](#)) be granted and that Bryan Tran's petition in opposition to forfeiture ([filing 108](#)) be overruled. The petitioner has not objected to the Magistrate Judge's findings and recommendation. *See* [NECrimR 59.2](#). The Magistrate Judge's order advised the petitioner that "failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 155 at 8](#); *see* [NECrimR 59.2\(e\)](#).

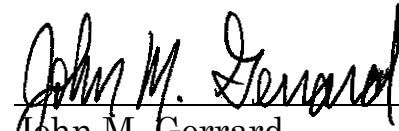
[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the magistrate's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991). The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court will adopt the Magistrate Judge's findings and recommendation, grant the government's motion to dismiss, and overrule the petition in opposition to forfeiture.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 155](#)) are adopted.
2. The government's motion to dismiss ([filing 125](#)) is granted.
3. Bryan Tran's petition in opposition to forfeiture ([filing 108](#)) is overruled.

Dated this 3rd day of February, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
United States District Judge